

### **REMARKS**

Applicants respectfully request consideration of the application in view of the foregoing amendments and the following remarks.

Claim 1 is amended herein incorporate elements of previous claims 2-5 and to limit the CEA protein to a human CEA protein. Claims 8 and 13 are amended herein to replace the term "LT subunit B" with "LTB," which has antecedent basis in claim 1. Support for these amendments can be found, *inter alia*, in the original claims. No new matter has been added.

Claims 2-7, 9-10 and 14-35 are canceled without prejudice to pursuing the subject matter of said claim in a later filed divisional application.

#### ***Rejection under 35 U.S.C. § 112, Second Paragraph***

Claim 8 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Office Action states that claim 8 recites the limitation "LT subunit B" and there is no antecedent basis for this limitation in the claim.

Applicants note that claim 8 is amended herein to replace the term "LT subunit B" with the term "LTB," which has antecedent basis in claim 1. As such, Applicants respectfully submit that the rejection has been overcome and therefore, request that the rejection be withdrawn and the claim allowed.

#### ***Rejections under 35 U.S.C. §103(a)***

Claims 1-2 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over the teachings of Rice *et al.* (*J. Immunol.* 167: 1558-1565) in view of Arrington *et al.* (*J. Virol.* 76(9):4536-4546 (2002)). The teachings of these two references in combination are alleged to render the subject matter of the cited claims obvious. Applicants respectfully traverse.

First, Applicants respectfully note that the cancellation of claim 2 renders the instant rejection moot with respect to this claim. Applicants, thus, respectfully request the withdrawal of the instant rejection with respect to claims 2.

Applicants further point out that claim 1 is amended herein to incorporate all of the limitations of previous claims 2-5 and to limit the CEA protein to human CEA. The Office Action states that claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claim. *See* Office Action at page 10, paragraph 2. Thus, Applicants submit that the amendment to claim 1 obviates the instant rejection. With respect to claim 13, Applicants note that this claim is dependent on claim 8, which is dependent on amended claim 1, which is allowable based on the above discussion. As such, Applicants request that the rejection of claims 1 and 13 be withdrawn and the claims allowed.

Claims 1 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over the teachings of Rice *et al.* (*J. Immunol.* 167: 1558-1565) in view of Arrington *et al.* (*J. Virol.* 76(9):4536-4546 (2002)) and Lund *et al.* (*Cancer Gene Therapy* 10: 365-76 (2003)). The teachings of these three references in combination are alleged to render the subject matter of the cited claims obvious. Applicants respectfully traverse.

As stated, *supra*, claim 1 is amended herein to incorporate all of the limitations of previous claims 2-5 and to limit the CEA protein to human CEA. The Office Action states that claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. *See* Office Action at page 10, paragraph 2. Thus, Applicants submit that the amendment to claim 1 obviates the instant rejection. With respect to claim 8, Applicants note that this claim is dependent on claim 1, which is allowable based on the above discussion. As such, Applicants request that the rejection of claims 1 and 8 as being obvious over the teachings of Rice *et al.* in view of Arrington *et al.* and Lund *et al.* be withdrawn and the claims allowed.

Claims 1 and 4 are rejected under 35 U.S.C. §103(a) as being unpatentable over the teachings of Rice *et al.* (*J. Immunol.* 167: 1558-1565) in view of Arrington *et al.* (*J. Virol.* 76(9):4536-4546 (2002)) and Klysner *et al.* (US20050063952). The teachings of these three references in combination are alleged to render the subject matter of the cited claims obvious. Applicants respectfully traverse.

First, Applicants respectfully note that the cancellation of claim 4 renders the instant rejection moot with respect to this claim. Applicants, thus, respectfully request the withdrawal of the instant rejection with respect to claim 4.

As stated, *supra*, claim 1 is amended herein to incorporate all of the limitations of previous claims 2-5 and to limit the CEA protein to human CEA. The Office Action states that claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any

intervening claim. *See* Office Action at page 10, paragraph 2. Thus, Applicants submit that the amendment to claim 1 obviates the instant rejection. Accordingly, Applicants request that the rejection of claim 1 as obvious over the teachings of Rice *et al.* in view of Arrington *et al.* and Klysner *et al.* be withdrawn and the claim allowed.

***Summary***

Applicants assert all claims are in condition for allowance and a favorable action on the merits is earnestly solicited.

If the Examiner believes that a telephone conference would be of value, she is requested to call the undersigned attorney at the number listed below.

Respectfully submitted,

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